

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	

To: Wireless Telecommunications Bureau

**VERIZON WIRELESS OF PUERTO RICO, INC.'S AMENDED
PETITION FOR LIMITED WAIVER OF SECTION 20.18(g) OF THE
COMMISSION'S RULES AND UPDATED PHASE II E911 REPORT**

Verizon Wireless of Puerto Rico, Inc. ("VWPR")¹, by its undersigned counsel and pursuant to Section 1.3 of the Commission's Rules² as well as two Public Notices issued by the Commission in the above-referenced docket,³ hereby submits this Amended Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules⁴ and Updated Phase II E911 Report (the "Amended Petition"). Except as set forth below, VWPR's Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules and Updated Phase II E911 Report submitted to the Commission on September 25, 2001 (the "Petition") remains unchanged.

¹ Until recently, Verizon Wireless of Puerto Rico, Inc. previously operated under the name of "Celulares Telefónica, Inc."

² 47 C.F.R. § 1.3.

³ Commission Establishes Schedule For E911 Phase II Requests by Small and Mid-sized Wireless Carriers, Public Notice, CC Docket No. 94-102, FCC 01-302 (rel. Oct. 12, 2001); Wireless Telecommunications Bureau Provides Guidance on Filings by Small and Mid-sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules, Public Notice, CC Docket No. 94-102, DA 01-2459 (rel. Oct. 19, 2001).

⁴ 47 C.F.R. § 20.18(g).

I. VWPR'S PETITION

In its Petition, VWPR, the CMRS affiliate of Puerto Rico Telephone Company, Inc. ("PRTC") serving the island of Puerto Rico, requested a limited waiver of Section 20.18(g) of the Commission's Rules with respect to the October 1, 2001 schedule for implementing Phase II Enhanced 911 ("E911") service. Additionally, VWPR submitted its modified plans for implementing Phase II E911 service in Puerto Rico pursuant to 20.18(i) of the Commission's rules, notifying the Commission of its decision to deploy a network-assisted Global Positioning System/Advanced Forward Link Trilateration ("AGPS/AFLT") handset solution for Phase II E911 location technology.

As VWPR set forth in its Petition, VWPR initially informed the Commission in its November 9, 2000 Implementation Report that it intended to deploy a network-based approach to the Phase II E911 requirements.⁵ Since the filing of its initial Implementation Report, however, VWPR determined that currently available network-based technologies are inaccurate and unreliable. Accordingly, VWPR notified the Commission that it had altered its plans and elected to employ a handset-based approach to the Phase II E911 requirements. In its Petition, VWPR explained that, while in VWPR's estimation, the AGPS/AFLT handset-based solution will provide the greatest and most reliable location capabilities as well as presenting fewer technological problems, Phase II-capable handsets and the corresponding network upgrades were not commercially available by the October 1, 2001 schedule established by the Commission.

⁵ See E911 Phase II Implementation Report of Celulares Telefónica, Wireless Telecommunications Bureau Guidelines for Waivers for Handset Based Approaches to Wireless Enhanced 911 Phase II Automatic Location Identification Requirements, CC Docket No. 94-102, at 2 (Nov. 9, 2000).

Thus, for reasons outside of its control, VWPR is unable to comply with the Commission's rules regarding Phase II E911 deployment.

II. ADDITIONAL INFORMATION TO ASSIST THE COMMISSION'S E911 EFFORTS

A. Description and History of VWPR's Phase I E911 Implementation

Pursuant to the Commission's Phase I E911 rules, as of April 1, 1998 or within six months of a request by the designated PSAP, whichever date is later, a wireless carrier must provide the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing the carrier's system to the designated PSAP through the use of Automatic Number Information ("ANI").⁶ To date, however, the sole PSAP serving Puerto Rico has not requested Phase I service from VWPR. Indeed, due to system limitations, the PSAP is only capable of receiving and using either the telephone number of the originator of a 911 call or the location of the cell site or base station receiving a 911 call from a mobile handset accessing a wireless carrier's system. Consequently, the PSAP has elected to receive and use only the information relating to the location of the cell site or base station receiving a 911 call from a mobile handset accessing VWPR's system. Nevertheless, VWPR is currently transmitting to the PSAP both the telephone numbers of the originators of 911 calls and the locations of the cell sites or base stations receiving a 911 call from any mobile handset accessing VWPR's system to the PSAP through the use of ANI.

⁶ 47 C.F.R. § 20.18(d).

B. Information Regarding Pending, Valid Phase II E911 Requests

To date, VWPR has not received a request for Phase II E911 service from the sole PSAP serving Puerto Rico. Furthermore, VWPR has learned that the PSAP has not established when it will be able to upgrade its system so that it is capable of receiving and utilizing Phase II E911 data provided by wireless carriers offering service in Puerto Rico.

III. VWPR'S AMENDED REQUEST FOR LIMITED WAIVER

Given the unavailability of Phase II-capable handsets and the corresponding network upgrades, VWPR requested in its Petition that the Commission grant the following waiver: (1) extension of the Phase II E911 implementation schedule and handset milestones set forth in Section 20.18(g)(2) of the Commission's Rules through November 1, 2002; and (2) extension of the Phase II E911 handset milestones set forth in Section 20.18(g)(1) pursuant to the following revised schedule: 25% of new handset activations by July 31, 2002; 50% of new handset activations by March 31, 2003; 100% of new handset activations by December 31, 2003; and 95% of embedded base by December 31, 2005.

Section 20.18(g)(2) of the Commission's Rules subjects wireless carriers to certain handset activation and network implementation timeframes once a PSAP request for deployment of Phase II E911 is received.⁷ Because the PSAP in Puerto Rico has not requested (or, for that matter, established plans to offer) Phase II E911 service from VWPR, VWPR is not yet subject to the requirements of Section 20.18(g)(2). Consequently, it is premature for VWPR to request a waiver of Section 20.18(g)(2) at the present time. If, however, VWPR is unable to meet the requirements of Section

⁷ See 47 C.F.R. § 20.18(g)(2).

20.18(g)(2) when it does receive a request from the PSAP due to technology-related issues or exceptional circumstances, VWPR will seek a waiver of Section 20.18(g)(2), to the extent necessary, at such time.

Nonetheless, Section 20.18(g)(1) of the Commission's Rules establishes specific handset milestones regardless of whether a PSAP request for Phase II E911 is received by a wireless carrier.⁸ In its Petition, VWPR stated that, although VWPR is persuaded that AGPS/AFLT is the optimal solution to the Phase II E911 requirements, VWPR was not able to meet the Commission's current schedule for Phase II E911 compliance. VWPR further explained that the Phase II-capable handsets necessary to implement AGPS/AFLT will not be available in time to comply with Commission's timeframes set forth in Section 20.18(g)(2). Accordingly, in its Petition, VWPR requested a limited waiver of Section 20.18(g) of the Commission's Rules to deploy its preferred handset-based solution on a timeframe that comports with the release of the necessary technology.

Based on recent information received from its handset vendors concerning the general availability of Phase II-compliant handsets, however, VWPR must revise the schedule for implementing Phase II-compliant handset activations that it proposed in its Petition. VWPR therefore requests that the Commission approve the following revised schedule for implementing Phase II-compliant handset activations: 25% of new activations by September 30, 2002; 50% of new activations by May 30, 2003; 100% of new activations by February 29, 2004; and 95% of embedded base by December 31, 2005.

⁸ See 47 C.F.R. § 20.18(g)(1).

Based on the foregoing, VWPR submits that a limited waiver of the Phase II E911 requirements comports with the policy objectives underlying Section 20.18(g) of the Commission's Rules. Indeed, VWPR affirms that it will deploy Phase II E911 services in Puerto Rico once the necessary equipment becomes commercially available. Further, VWPR will continue to pursue aggressively Phase II implementation. A limited waiver will afford VWPR with the requisite time to acquire the necessary Phase II-compliant handsets. Finally, a limited waiver will not result in increased costs or other prejudice to the PSAP or the public safety community of Puerto Rico given that the PSAP has not requested Phase II E911 implementation.

IV. CONCLUSION

For the reasons set forth above and in its Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules and Updated Phase II E911 Report submitted to the Commission on September 25, 2001, VWPR has changed its plans to implement a network-based solution in favor of the AGPS/AFLT handset solution for Phase II E911 location technology. However, the Phase II-capable handsets necessary for a handset-based solution will not be available in time to meet the Commission's current Phase II E911 implementation schedule. VWPR therefore seeks a limited waiver of Section 20.18(g) of the Commission's Rules to deploy its preferred handset-based solution on a timeframe that comports with the release of the necessary equipment. Specifically, VWPR respectfully requests that the Commission approve of the following revised schedule for implementing Phase II-compliant handset activations: 25% of new activations by September 30, 2002; 50% of new activations by May 30, 2003; 100% of

new activations by February 29, 2004; and 95% of embedded base by December 31, 2005.

Respectfully submitted,

Verizon Wireless of Puerto Rico, Inc.

/s/ Alisa M. Everts

Joe D. Edge

Tina M. Pidgeon

Laura S. Gallagher

Alisa M. Everts

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W.

Suite 1100

Washington, DC 20005

(202) 842-8800 (phone)

(202) 842-8465 (fax)

Its Attorneys

November 30, 2001

CERTIFICATE OF SERVICE

I, Colleen Mulholland, certify that on this 30th day of November 2001, I caused to be delivered via electronic mail the foregoing Verizon Wireless of Puerto Rico, Inc.'s Amended Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules and Updated Phase II E911 Report to the following:

Patrick Forster
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
pforster@fcc.gov

s/s Colleen Mulholland
Colleen Mulholland